

SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA



GARY L. JOHNSON  
ADMINISTRATIVE DIRECTOR



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MEMORANDUM

TO: ALL JUSTICES  
FROM: GARY JOHNSON   
DATE: JANUARY 24, 2018  
RE: FINAL ADMINISTRATIVE CONFERENCE MINUTES

Attached for your records are final Minutes from the Administrative Conference held  
Monday, January 8, 2018.

Attachment

## MINUTES

### ADMINISTRATIVE CONFERENCE

JANUARY 8, 2018

Justice Robin Jean Davis did not participate in the January 8, 2018, Administrative Conference.

#### 1. IT INFORMATION

1.1 CIO David Graves prepared a memorandum and gave the current status and overview of the Division of Technology Services. For the Court's information. No further action is required.

1.2 By a vote a 4 – 0, the Court approved CIO David Graves to fill the following positions as long as they are within the salary ranges previously approved by the Court on the IT organizational chart: Sr. Project Manager, Project Coordinator, Service Desk Supervisor, Support Manager, Service Desk (2) and Application Services Director.

1.3 By a vote of 4 – 0, the Court approved the proposed policy for access to the LEO portal of the Courts UJA system.

#### 2. STAFFING REQUESTS IN THE KANAWHA COUNTY OFFICE OF COURT

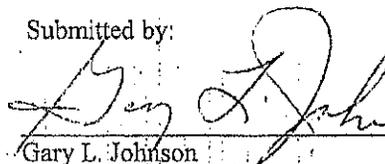
By a vote of 4 – 0, the Court approved the proposal by Kanawha County Court Administrator Beverly Selby to hire additional staff and move Secretary Cheryl Ranson to the Case Manager position at an annual salary of \$48,112, effective immediately. The Court further approved hiring a receptionist at an annual salary of \$28,000, effective immediately.

#### 3. DIVISION OF PROBATION SERVICES

3.1

- By a vote of 4 – 0, the Court approved the operation of a Juvenile Drug Court in Cabell County and also approved Family Court Judge Jason Spears to be the lead Judge for the program. However, the Court will not grant an additional probation officer at this time but may grant an additional officer if, upon review of the number of probationers in Cabell County and the number of officers currently employed, the number of probationers requires an additional officer pursuant to the previous ratios adopted by the Court.

Submitted by:

  
Gary L. Johnson

Date: 1/24/18

- By a vote of 4 – 0, the Court instructed Administrative Director Gary Johnson to inform the lead judges in Wood/Wirt, Putnam, and Boone/Lincoln Counties that the Juvenile Drug Court case manager positions will cease on April 13, 2018. The Court felt it was unfair to have case managers in only 3 of the 14 Juvenile Drug Courts.
- By a vote of 4 – 0, the Court approved Director of Probation Services Stephanie Bond to update the Court's website, Division of Probation Services page, Truancy tab, to include current truancy reforms with particular emphasis on our School Based Probation Officers.
- By a vote of 4 – 0, the Court approved that the Court will pay Day Report Centers for drug testing in Family Court at the Day Report Centers' cost.
- By a vote of 4 – 0, the Court voted to require the use of the West Virginia Offender Case Management System (OCMS) by all probation officers for all offenders. The Chief Justice shall enter an administrative order requiring such.

3.2 By a vote of 4 – 0, the Court approved Alicia L. Holman for the position of Quality Assurance/Data Analyst in Probation Services at an annual salary of \$42,000 effective January 20, 2018.

3.3 By a vote of 3 – 1, with Justice Ketchum voting against the matter, the Court authorized sending the proposed memorandum concerning the administration of the LS/CMI and the YLS/CMI by Day Report Centers to All Circuit Judges, All Adult Probation Officers, Director of DJCS Rick Staton and Day Report Center Directors. The Court has no problem with the administration by the Day Report Centers so long as the cost is included in the per diem payment for Court clients.

#### 4. COURT SERVICES

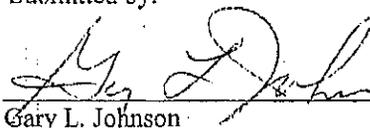
4.1 By a vote of 3 – 1, with Justice Workman voting against the matter, the Court voted that Magistrate Court Field Coordinator Caroline Stoker should be required to make Charleston her headquarters and report to work in Charleston.

By a vote of 4 – 0, the Court voted to require Deputy Director of Juvenile Justice Commission Alicia Mascioli to make her headquarters in Charleston and report to work in Charleston.

By a vote of 4 – 0, the Court approved allowing Director of Juvenile Justice Commission Cindy Largent-Hill to make her headquarters at the Berkeley County Judicial Center and to maintain a Charleston Office to use as needed.

4.2 The Court reviewed a Child and Family Services Reviews Final Report. For the Court's information. No further action is required.

Submitted by:

 Date: 1/24/18  
Gary L. Johnson

4.3 The Court approved the following expenditures from the ICJR grant of the Office of Violence Against Women Act:

A. Up to \$200,000 be allocated to the West Virginia State Police to assist in the transition and continued maintenance of the Domestic Violence Protection Order Registry upon the signing of an official Memorandum of Understanding to transfer the registry.

B. The remainder of the grant may be expended to begin a pilot program which utilizes specially trained social service professionals to investigate cases involving substantial allegations of domestic abuse and utilizes specially trained guardians *ad litem* to represent children in domestic abuse cases. The grant funds shall be used to pay for the training for both guardians *ad litem* and social service professionals.

4.4 By a vote of 4 – 0, the Court approved the proposed Memorandum of Understanding between DHHR and Supreme Court of Appeals in which the Court agreed to pay up to \$55,000 to the DHHR to pay their employees additional compensation to scan mental health records at state hospitals under the NARIP grant for submission to the National Instant Criminal Background Check System (NICS). The project should be completed by September 30, 2018. The Court can no longer pay these individuals as contract workers, and this now will allow the completion of the requirements of the grant. The Court also agrees to train the DHHR employees.

## 5. LEGISLATIVE UPDATE

Items that affect the Court that the Governor will address:

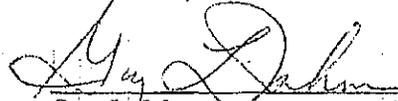
5.1 By a vote of 4 – 0, the Court voted to support the bill to make the Workers' Compensation Appeal Board the Court of last resort on workers' compensation issues, meaning that these cases would no longer be appealable to the Supreme Court of Appeals of West Virginia.

5.1.2 By a vote of 4 – 0, the Court voted not to take a position that the West Virginia Supreme Court be the Court of original jurisdiction instead of Kanawha County Circuit Court when the issue is the overseeing or monitoring of a state agency, but the Court notes that there must be a method of fact finding included in the bill.

5.2. By a vote of 3 – 1, with Justice Walker voting against the matter, the Court voted to oppose a constitutional amendment to limit the Court's budgetary authority.

By a vote of 4 – 0, the Court took no position on any bail reform initiative until an actual statute is introduced.

Submitted by:

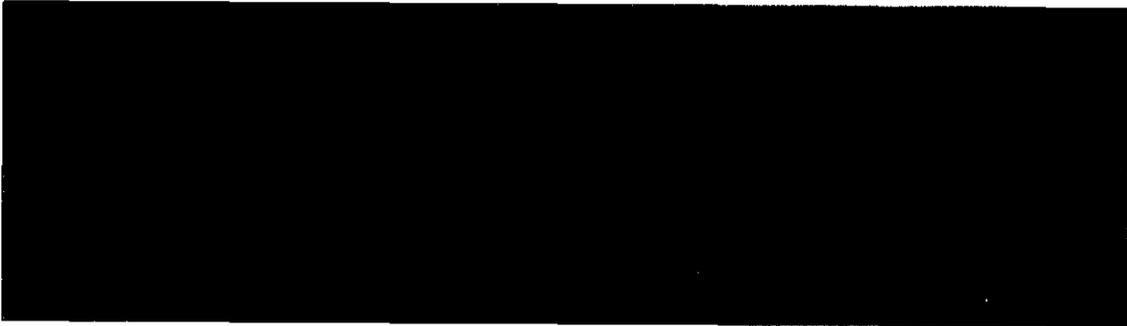
  
Gary L. Johnson

Date: 1/24/18

5.3. By a vote of 4 – 0, the Court voted to take no position on the proposed Financial Exploitation Protection Order, but noted that the Court would prefer that jurisdiction should be in circuit court and not with mental hygiene commissioners due to costs.

5.4. By a vote of 4 – 0, the Court voted to not take any action on the legislatively proposed reorganization of the WV Department of Health and Human Resources until an actual bill is introduced.

6. UPDATE INFORMATION FROM GENERAL COUNSEL LORI PALETTA-DAVIS



7. WEST VIRGINIA JUDICIAL ASSOCIATION REQUESTING CONSIDERATION OF EXTENSION OF AUTOMATIC PAY INCREASES TO COURT REPORTERS

By a vote of 4 – 0, the Court declined to change the pay scale of the court reporters.

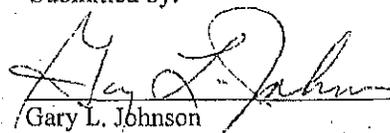
8. APPLICATION OF FAMILY COURT JUDGE WILLIAM F. SINCLAIR TO BE A SENIOR STATUS JUDGE

By a vote of 5 – 0, the Court approved Family Court Judge William F. Sinclair to be a Temporary Family Court Judge as of January 8, 2018.

9. FINANCIAL DIVISION

By a vote of 4 – 0, the Court approved to hire Jessica Beane for the accounts payable position in the Finance Division at an annual salary of \$34,000 effective immediately.

Submitted by:

 Date: 1/29/18  
Gary L. Johnson

10. LITIGATION UPDATE

For the Court's information. No further action is required.

11. DIVISION OF ADMINISTRATIVE SERVICES

11.1 By a vote of 4 – 0, the Court voted to make an offer to the Braxton County Commission to pay half of the \$14,610.00 proposal from Startronics America for all equipment and labor for installation to upgrade the audio system in Judge Facemire's Circuit Courtroom in Braxton County.

11.2 By a vote of 4 – 0, the Court denied paying \$3,288.96 to Omega Commercial Interiors for all signage and labor for the installation of signs in all locations for the new Cabell County Family Court Facility.

12. MISCELLANEOUS

A. By a vote of 4 – 0, the Court voted to reduce their budget request to the Legislature by \$2,000,000 which would lower the request to \$139,759,670.

B. By a vote of 4 – 0, the Court approved all the Minutes from matters requiring Court action during recess (December 2017).

C. Other budget matters - for the Court's information. No further action is required.

D. An update on the status of transfer of DV and MH Registries - for the Court's information. No further action is required.

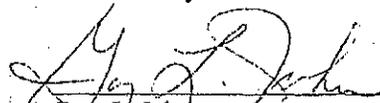
E. A request to schedule an entrance conference to discuss an audit of the Court's personal use of State vehicles - for the Court's information. No further action is required.

F. By a vote of 4 – 0, the Court approved hiring Christopher E. Stone for the position of Senior Systems Engineer under the Operations Services Division of Information Technology, at an annual salary of \$75,000 effective immediately.

ADDENDUM

By a vote of 4 – 0, the Court approved hiring Bill B. Gallagher as a User Support Services Manager in the Division of Technology Services at an annual salary of \$81,000 effective immediately. This position is to backfill the Support Manager position as the current employee is limited to working half days.

Submitted by:

  
Gary L. Johnson

Date: 1/24/18

MINUTES

ADMINISTRATIVE CONFERENCE

January 9, 2018

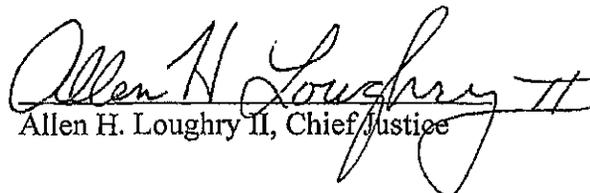
The Court held an Administrative Conference on January 9, 2018. Chief Justice Loughry, Justice Ketchum and Justice Walker were in attendance. Justice Workman participated by telephone. Justice Davis did not participate.

The Court denied the Clerk of the Court's request to hire Isaac Counts as a Deputy Clerk. He will remain in his current position in technology.

The Court further approved the advertisement for the open senior staff attorney position.

Submitted by:

Date: 1-9-18

  
Allen H. Loughry II, Chief Justice

SUPREME COURT OF APPEALS  
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MEMORANDUM

TO: ALL JUSTICES  
FROM: GARY JOHNSON   
DATE: JANUARY 10, 2018  
RE: APPROVED SUMMARY FROM MATTERS REQUIRING COURT ACTION  
DURING ADJOURNMENT

Attached for your records is a final summary from Matters Requiring Court Action  
During Adjournment approved in the Administrative Conference held Monday, January 8, 2018.

Attachment

(Approved in the January 8, 2018, Administrative Conference)

MATTERS REQUIRING COURT ACTION DURING ADJOURNMENT

1. On December 12, 2017, Administrative Director Gary Johnson, at the request of CIO David Graves, requested by email, permission to hire Thomas Ray Toler as the CISO (person in charge of IT security) which was sent to all Justices for approval (emails attached). Mr. Toler will begin his employment on Monday, January 8, 2018, at an annual salary of \$75,000.

The Court voted 4 – 1, with Justice Davis voting no as she did not feel comfortable making hires by email without Court discussion.

2. On December 12, 2017, Administrative Director Gary Johnson, at the request of CIO David Graves, requested by email, permission to purchase an upgrade of Service Desk Software (Trackit/Footprints) in the amount of \$64,757.23. If we failed to purchase by December 31, 2017, we would forfeit a substantial discount. The new software would replace current software resulting in smaller annual payments and the additional license fee would be recouped with the savings over a three year period. The new software would allow for more efficient operation of the help desk.

The Court approved by a 5 – 0 vote (emails attached).

3. On December 19, 2017, Administrative Director Gary Johnson, at the request of CIO David Graves, requested by email, permission to hire the following three individuals for positions that were previously approved and within previously approved salary ranges:

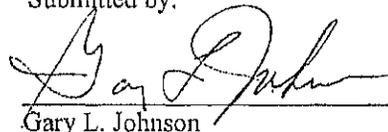
- 1) Joseph Haun, Service Desk Supervisor, \$60,000.
- 2) John Surbaugh, Service Delivery Analyst, \$75,000.
- 3) Jennifer Miller, Services Delivery Project Manager, \$73,000.

The Court voted 4 – 1 to approve the three individuals with Justice Davis voting no as she did not feel comfortable making hires by email without Court discussion (emails attached).

4. Actions Taken by the Court on December 21, 2017.

On the Twenty-First day of December, the Court had a conference call on the matter of an invoice received from the Enterprise Resource Planning Board for \$1,160,600 for OASIS expenses covering four years from Fiscal Year 2015 through 2018.

Submitted by:

 Date: 1/10/18  
Gary L. Johnson

The Court discussed the matter and after that discussion, Justice Ketchum made two motions:

- 1) To pay the invoice for the use of OASIS as the Court uses it on a regular basis.

All five justices voted to pay the invoice immediately.

- 2) That the Chief Justice contact the Auditor for verification through some writing that the Court not be charged any extra for modifications for KRONUS, an OASIS timekeeping system, if the Court decides to utilize it and that the Auditor introduce and support legislation that the Court be included on the Board or Steering Committee for Enterprise Resource Planning Board as suggested by Justice Workman.

All five justices voted to approve the motion.

5. The Court approved to hire Sara Massey for the Administrative Office Assistant Administrative Counsel position increasing the earlier approved annual salary from \$75,000 to \$80,000.

6. The Court approved Director of Financial Management Sue Troy to hire an additional temporary clerical employee to search for information to respond to FOIA requests.

7. By a vote of 5 – 0, Eighteenth Judicial Circuit Judge Lawrance S. Miller, Jr., was approved for Senior Status upon his December 31, 2017, retirement (emails attached).

Submitted by:

  
Gary L. Johnson

Date: 1/10/18